

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DESMOND SHAW,

Petitioner,

v.

Civil No. 2:11-CV-11537
HONORABLE DENISE PAGE HOOD
UNITED STATES DISTRICT JUDGE

GREG McQUIGGIN,

Respondent,

_____ /

OPINION AND ORDER DENYING MOTION FOR BOND

On October 13, 2011, this Court summarily dismissed petitioner's writ of habeas corpus, on the ground that it was barred by the one year statute of limitations contained in 28 U.S.C. § 2244(d)(1). *See Shaw v. McQuiggin*, No. 2011 WL 4889101 (E.D. Mich. October 13, 2011). Pending before the Court is petitioner's motion for bond. For the reasons stated below, the motion for bond is DENIED.

To receive bond pending a decision on the merits of a habeas corpus petition, a petitioner must show a substantial claim of law based on the facts and exceptional circumstances justifying special treatment in the interest of justice. *Lee v. Jabe*, 989 F.2d 869, 871 (6th Cir. 1993)(*quoting Dotson v. Clark*, 900 F.2d 77, 79 (6th Cir. 1990)); *See also Nash v. Eberlin*, 437 F. 3d 519, 526, n. 10 (6th Cir. 2006). There will be few occasions where a habeas petitioner meets this

standard. *Dotson*, 900 F. 2d at 79. Federal courts may grant bail when granting the writ. See *Sizemore v. District Court*, 735 F. 2d 204, 208 (6th Cir. 1984). By implication, a federal court should not grant bail under other circumstances. In light of the fact that this Court summarily dismissed petitioner's habeas petition on the ground that it had not been filed in compliance with the one year limitations period contained in 28 U.S.C. § 2244(d)(1), petitioner has failed to establish that he would prevail on the merits of his claims, thus, he is not entitled to release on bail. See e.g. *Nieves v. Thomas*, 256 F. Supp. 2d 169, 171 (S.D.N.Y. 2003).

IT IS HEREBY ORDERED That the Motion for Bond [Dkt. # 19] is
DENIED.

S/Denise Page Hood
DENISE PAGE HOOD
UNITED STATES DISTRICT JUDGE

Dated: November 1, 2011

I hereby certify that a copy of the foregoing document was mailed to Desmond Shaw, 565614, chippewa Correctional Facility, 4269 W. M-80, Kincheloe, MI 49784 and the attorneys of record on this date, November 1, 2011, by electronic and/or ordinary mail.

S/Julie Owens
Case Manager, (313) 234-5160